

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

ALEX GOLDOVSKY, et al.
Plaintiffs

v.

MAURICIO J. RAULD, et al.
Defendants.

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CASE NO. 6:24-CV-00159

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Derek Gilliland. ECF No. 103. The report contains recommendations for Defendants Timothy B. Gertz and PV Advisors, PLC's Motion to Dismiss for Failure to State a Claim (ECF No. 25), and Defendant Wells Fargo, NA's Motion to Dismiss for Failure to State a Claim (ECF No. 28). The report ultimately recommended that Gertz and PV Advisors' motion (ECF No. 25) be **GRANTED-IN-PART** and **DENIED-IN-PART** and Defendant Wells Fargo's (ECF No. 28) motion be **DENIED**. The report and recommendation was filed on May 28, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other grounds by *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

The Wells Fargo defendants filed objections on June 10, 2025. ECF No. 104. Defendants Timothy B. Gertz and PV Advisors, PLC d/b/a Provision and d/b/a Provision Wealth Strategist also filed objections on June 11, 2025. ECF No. 105. The Court has conducted a *de novo* review of the motion, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek Gilliland, ECF No. 103, is **ADOPTED**.

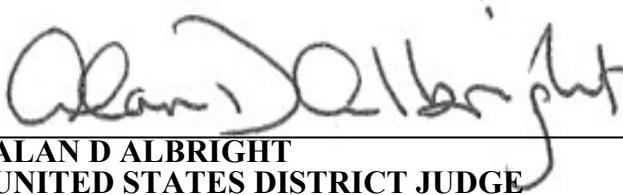
IT IS ORDERED THAT Defendants Gertz and PV Advisors' motion to dismiss (ECF No. 25) be **GRANTED-IN-PART** and **DENIED-IN-PART**.

IT IS FURTHER ORDERED that the Court hereby **DISMISSES** Plaintiffs' statutory fraud claims against Gertz and PV Advisors for failure to state a claim.

IT IS FURTHER ORDERED the Defendants' Motion as to the following claims against Gertz and PV Advisors: (1) Primary liability under the Texas Securities Act; (2) Secondary liability under the Texas Securities Act; (3) Common-law fraud; (4) Negligent misrepresentation; and (5) Knowing participation in breach of fiduciary duty is **DENIED**.

IT IS FURTHER ORDERED Wells Fargo's motion as to Plaintiffs' secondary liability claim under the Texas Securities Act against Wells Fargo (ECF No. 28) is **DENIED**.

SIGNED this 16th day of June 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE